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REMARKS

I. Introduction

In response to the Office Action dated February 27, 2007, withdrawn claims 1-31 have been cancelled and claim 32 has been amended. Claim 32 remains in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made in accordance with the Examiner's recommendation at pages 2-3 of the Office Action and are solely for the purpose of clarifying the language of the claim, and were not required for patentability or to distinguish the claims over the prior art.

III. Non-Art Rejections

In paragraphs (1)-(2) of the Office Action, claim 32 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended claim 32 in accordance with the Examiner's recommendation at pages 2-3 of the Office Action to overcome this rejection.

IV. Prior Art Rejections

A. REJECTION UNDER 35 U.S.C. §102(a)

In paragraphs (4)-(5) of the Office Action, claim 32 were rejected under 35 U.S.C. §102(a) as being anticipated by Kirk et al., "2001, Cancer Research, 61:2062-2067" (Kirk).

Applicants respectfully traverse this rejection because for example Kirk fails to teach or suggest methods that use HUMAN SLC, that is the "secondary lymphoid tissue chemokine as shown in SEQ ID NO: 1" (i.e. as recited in claim 32). Instead, the disclosure in Kirk is directed to MURINE

cancer models and for this reason understandably uses MURINE SLC [1]. This is shown for example because this disclosure teaches artisans to use murine SLC in the various mouse models of cancer that are described in this reference (see, e.g. the disclosure of "murine SLC" as provided in the Methods and Materials Section as found at in column 1 of page 2063 of Kirk) and by the fact that human SLC (much less its sequence as shown in SEQ ID NO: 1) is not mentioned anywhere in this disclosure.

As noted in M.P.E.P. 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single art reference. Kirk therefore fails to anticipate the claimed invention because its disclosure teaches methods that use murine SLC (as shown in SEQ ID NO: 2), and not methods as recited in claim 32, that is methods that use human SLC (SEQ ID NO: 1). Because Kirk fails to teach devices having the constellation of elements recited in claim 32, this disclosure cannot anticipate the claimed invention. For this reason, Applicant respectfully requests withdrawal of the rejection to claim 32 under 35 U.S.C. §102(a).

B. REJECTION UNDER 35 U.S.C. §103(a)

In paragraphs (6)-(7) of the Office Action, claim 32 was rejected under 35 U.S.C. §103(a) as being unpatentable over WO/038706 or WO 96/06169 in view of Kirk et al., Human Gene Therapy, 2000, 11: 797-806 (Kirk), Nishioka et al., Cancer Research, 1999, 59: 4035-4041 (Nishioka), Miller et al., Human Gene Therapy, 2000, 11: 53-65 and Lode et al., "Drugs Today 2000, 36:321-336" (Lode).

Applicants respectfully traverse this rejection, one in which the Patent Office picks and chooses selected elements from 6 disclosures, 4 of which do not mention SLC anywhere and instead teach various models designed to study cytokines having different polypeptide sequences than SEQ ID NO: 1 and different activities than SLC. In particular, the Patent Office expressly acknowledges that the art relied upon as disclosing human SLC (WO/038706 and WO 96/06169) fails to "teach a method of treating syngeneic tumors, introducing polynucleotide encoding SEQ ID NO: 1 into a dendritic cell form the mammal, so that the cell expresses SLC and placing the modified dentritic

[1] As is known in the art and shown for example in Table 4 at page 64 of Applicants' specification, human SLC (SEQ ID NO: 1) is not identical to murine SLC (SEQ ID NO: 2).

cell at the site of the syngeneic tumor in the mammal" (at page 7 of the Office Action). For this reason, the Patent Office then asserts that the invention in claim 32 would have been obvious because one of skill in the art would be motivated to pick the SLC of SEQ ID NO: 1 (WO/038706 and WO 96/06169) and then combine this human SLC with elements specifically selected from references that do not mention human SLC and instead teach methods designed to study the function of different cytokines such as GM-CSF and IL-4 (Kirk), IL-12 (Nishioka), IL-7 (Miller) and IL-2 (Lode) in murine models.

In traversing this rejection, Applicants first note that the references relied upon for their disclosure of SLC teach human SLC while the references relied upon as teaching the other elements of claim 32 teach non-human (murine) models. Consequently, a combination of the human SLC in the WO/038706 and WO 96/06169 disclosures with the murine models in the Kirk, Nishioka, Miller and Lode disclosures will not lead to the claimed invention, i.e. the use of SLC to attract T lymphocyte or mature host dendritic cells to a site of a syngeneic tumor in a mammal. In particular, because methods that combine the human SLC disclosed in WO/038706 and WO 96/06169 with the murine models in the Kirk, Nishioka, Miller and Lode disclosures are not syngeneic, this combination of references will not lead to the claimed invention. For this reason, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. §103(a) in view of this combination of references.

Applicant further traverse the rejection because one of skill in the art would not agree with the Patent Office's assertion that one of skill in the art would have found it obvious to combine disclosures relating to GM-CSF and IL-4 (Kirk), IL-12 (Nishioka), IL-7 (Miller) or IL-2 (Lode) with those relating to SLC (WO 96/06169 or WO/038706) to arrive at the claimed invention. In particular, those of skill in the art understand that one cannot use different cytokines as functional equivalents of each other, for example in methods such as those recited in the instant claims. Consequently, one of skill in the art familiar with the publications in this field would not agree that SLC and GM-CSF and IL-4 and IL-12 and IL-7 and IL-2 and the various models used to study these molecules can be mixed, matched and used interchangeably in the methods recited in the claims (i.e. as is asserted by the Patent Office). In this context, because the well known differences in the activities possessed by SLC and GM-CSF and IL-4 and IL-12 and IL-7 or IL-2, one cannot use an functional activity possessed by GM-CSF and IL-4 and IL-12 and IL-7 or IL-2 to predict

how SLC will function in the claimed methods. For this reason, the obviousness rejection must be withdrawn (see, e.g. M.P.E.P. 2145 and *In re O'Farrell* 7 USPQ 2d 1673, 1681 (Fed. Cir. 1988)). For this additional reason, Applicants' attorney respectfully requests the withdrawal of the rejection under 35 U.S.C. §103.

V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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